

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

CARL C. SCHAEFER,	:	
Petitioner,	:	Case No. 3:05cv000420
vs.	:	District Judge Walter Herbert Rice Magistrate Judge Sharon L. Ovington
GREENE COUNTY COMMON PLEAS COURT, Judge Stephen Hurley,	:	
Respondent.	:	

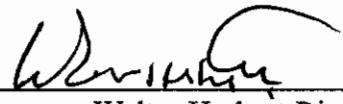
**DECISION AND ENTRY ADOPTING IN FULL REPORT AND RECOMMENDATIONS
FILED ON DECEMBER 19, 2005 (Doc. #3); DISMISSING WITHOUT PREJUDICE CARL C.
SCHAEFER'S PETITION FOR A WRIT OF HABEAS CORPUS (Doc. #1); DENYING A
CERTIFICATE OF APPEALABILITY UNDER 28 U.S.C. §2253(c); AND TERMINATING THE
CASE ON THE DOCKET OF THIS COURT**

The Court has conducted a de novo review of the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #3), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby **ADOPTS** said Report and Recommendations.

Accordingly, it is hereby **ORDERED** that:

1. The Report and Recommendations filed on December 19, 2005 (Doc. #3) is **ADOPTED** in full;
2. Carl C. Schaefer's Petition for a Writ of Habeas Corpus (Doc. #1) is **DISMISSED** without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases;

3. A certificate of appealability under 28 U.S.C. §2253(c) is DENIED; and
4. The case is terminated on the docket of this Court.



Walter Herbert Rice
United States District Judge